



DEPARTMENT OF THE NAVY
HEADQUARTERS UNITED STATES MARINE CORPS
3000 MARINE CORPS PENTAGON
WASHINGTON, DC 20350-3000

IN REPLY REFER TO:
5800
JAR1
4 April 2012

SECOND ENDORSEMENT on Defense Counsel ltr 5800 9D of 30 Mar 12

From: Judge Advocate Research & Civil Law, Judge Advocate Division
To: Civil Law Officer, Office of the Staff Judge Advocate, Marine
Corps Recruit Depot, San Diego

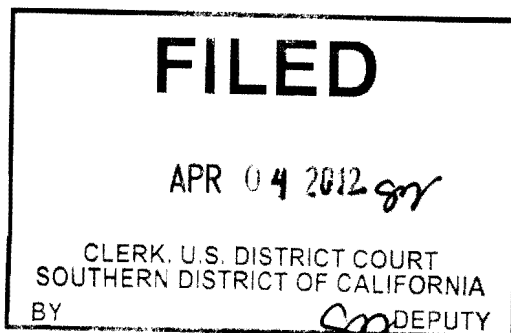
Subj: ETHICS ADVISEMENT REQUEST ICO POLITICAL ACTIVITIES OF SGT GARY
STEIN, USMC, 0101/5842


Ref: (b) MCO P1900.16F Ch 2, Marine Corps Separation and Retirement
Manual
(c) Mtg OJAG (Code 13) CAPT Horrigan/HQMC (JAR) LtCol Harlow of
31 Mar 12
(d) Mtg OJAG (Code 132) LCDR Pohanka/HQMC (JAR) LtCol Harlow of
3 April 12

1. Readdressed and returned for action as appropriate by either the Legal Advisor to the Administrative Separation Board (Board) for matters of law, procedure, and evidence or the Board members for findings and recommendations pursuant to their authorities in paragraphs 6315(2)(a) and 6319 of reference (b).

2. During references (c) and (d), this office met with the Director, Administrative Law Division, Office of the Judge Advocate General (OJAG Code 13), and the Branch Head, Standards of Conduct and Government Ethics Branch within Code 13 (OJAG Code 132). After review of the subject request for an ethics opinion, all officers determined that reference (b) does not authorize higher headquarters to decide upon matters that are appropriately under the purview of the Board Members or the Board's Legal Advisor. This determination was based upon paragraphs 6315(2)(a) and 6315(4) of reference (b), which state that the Board's Legal Advisor, who is a judge advocate certified by the Judge Advocate General in accordance with Article 27(b) of the Uniform Code of Military Justice, "shall rule finally" on all matters of procedure, evidence, and challenges before the board.

3. I am the point of contact on this matter. I may be reached at 703-693-8164 or john.harlow@usmc.mil.




J. P. HARLOW
Lieutenant Colonel
U.S. Marine Corps